

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VENCIL C. GREEN,

Plaintiff,

v.

D. STRIBLING,

Defendant.

No. 2:23-cv-02302-WBS-EFB (PC)

AMENDED ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought pursuant to 42 U.S.C. § 1983. Defendant has filed a motion to modify the schedule to allow additional time for discovery. ECF No. 17. Plaintiff has not responded to the motion.

Federal Rule of Civil Procedure 16(b)(4) provides: “A schedule may be modified only for good cause and with the judge’s consent.” Courts considering a request to modify a schedule under Rule 16(b)(4) look primarily to the whether the party seeking modification could not reasonably meet the deadline despite his diligence. *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th Cir. 1992). While the focus is primarily on the moving party’s diligence, “the existence or degree of prejudice to the party opposing the motion might supply additional reasons to deny” the requested modification. *Id.*

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Defendant has shown good cause for the requested modifications to the schedule.

Accordingly, it is hereby ORDERED that:

1. Defendants' motion to modify the schedule (ECF No. 17) is GRANTED.
2. The schedule set by the current scheduling order (ECF No. 13) is modified as follows:
 - a. The parties may conduct discovery ~~on plaintiff's food sales claim~~ until December 2, 2024.
 - b. Any discovery motions must be filed on or before December 2, 2024.
 - c. Defendant's opposition to plaintiff's pending motion for summary judgment shall be filed on or before January 17, 2025.

Dated: November 21, 2024


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE